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22BB-CC00011 - LISA HASTEN V JIMMY FANN ET AL (E-CASE)

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- 02/28/2022 ☐ [Summons Personally Served](#)
Document ID - 22-SMCC-49; Served To - FANN, JIMMY; Server - ; Served Date - 16-FEB-22; Served Time - 19:10:00; Service Type - Special Process Server; Reason Description - Served
- ☐ [Notice of Service](#)
Affidavit of Return of Service - Jimmy Fann.
Filed By: TODD RYAN NISSENHOLTZ
On Behalf Of: LISA HASTEN
- 02/15/2022 ☐ [Summons Issued-Circuit](#)
Document ID: 22-SMCC-50, for LARRY BENNIGHT, LLC.
- ☐ [Summons Issued-Circuit](#)
Document ID: 22-SMCC-49, for FANN, JIMMY.
- ☐ [Order - Special Process Server](#)
Associated Entries: 02/11/2022 - [Motion Special Process Server](#) +
- 02/11/2022 ☐ [Filing Info Sheet eFiling](#)
Filed By: TODD RYAN NISSENHOLTZ
- ☐ [Motion Special Process Server](#)
Motion for Special Process Server and Request for Summonses.
Filed By: TODD RYAN NISSENHOLTZ
On Behalf Of: LISA HASTEN
Associated Entries: 02/15/2022 - [Order - Special Process Server](#)
- ☐ [Pet Filed in Circuit Ct](#)
Petition.
Filed By: TODD RYAN NISSENHOLTZ
- ☐ [Judge Assigned](#)

Case.net Version 5.14.49

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Released 01/21/2022



IN THE 12TH JUDICIAL CIRCUIT, WARREN COUNTY, MISSOURI

Judge or Division: JASON H LAMB	Case Number: 22BB-CC00011
Plaintiff/Petitioner: LISA HASTEN	Plaintiff's/Petitioner's Attorney/Address TODD RYAN NISSENHOLTZ SUITE 1800 7700 FORSYTH BOULEVARD SAINT LOUIS, MO 63105
Defendant/Respondent: JIMMY FANN	Court Address: 104 WEST MAIN ST. WARRENTON, MO 63383
Nature of Suit: CC Pers Injury-Vehicular	

(Date File Stamp)

Summons in Civil Case

The State of Missouri to: **JIMMY FANN**
Alias:

2606 ALAMO TRAIL
TEMPLE, TX 76502

COURT SEAL OF

WARREN COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for plaintiff/petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

2/15/2022
Date

Tim Beaud
Clerk/clb

Further Information:

Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within 30 days after the date of issue.

I certify that I have served the above Summons by: (check one)

- ☒ delivering a copy of the summons and petition to the defendant/respondent.
☐ leaving a copy of the summons and petition at the dwelling house or usual place of abode of the defendant/respondent with _____, a person at least 18 years of age residing therein.
☐ (for service on a corporation) delivering a copy of the summons and petition to: _____ (name) _____ (title).
☐ other: _____

Served at 2606 Alamo Trail; Temple, Tx 76502 (address)
 in Bell (County/City of St. Louis), MO, on 2/16/2022 (date) at 7:10 pm (time).

Joshua R. Jameson
Printed Name of Sheriff or Server

[Signature]
Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

HEIDI MILLER
Notary Public, State of Texas
Comm. Expires 03-04-2024
Notary ID 130568045

Subscribed and sworn to before me on 2/25/2022 (date).
 My commission expires: 3/4/2024 Date
[Signature]
Notary Public

Sheriff's Fees, if applicable

Summons \$ _____
 Non Est \$ _____
 Sheriff's Deputy Salary \$ 10.00
 Supplemental Surcharge \$ _____
 Mileage \$ _____ (_____ miles @ \$ _____ per mile)
 Total \$ _____


A copy of the summons and petition must be served on **each** defendant/respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.



IN THE 12TH JUDICIAL CIRCUIT, WARREN COUNTY, MISSOURI

Judge or Division: JASON H LAMB	Case Number: 22BB-CC00011	(Date File Stamp)
Plaintiff/Petitioner: LISA HASTEN	Plaintiff's/Petitioner's Attorney/Address TODD RYAN NISSENHOLTZ SUITE 1800 7700 FORSYTH BOULEVARD SAINT LOUIS, MO 63105	
Defendant/Respondent: JIMMY FANN	Court Address: 104 WEST MAIN ST. WARRENTON, MO 63383	
Nature of Suit: CC Pers Injury-Vehicular		

Summons in Civil Case

The State of Missouri to: JIMMY FANN Alias:	
2606 ALAMO TRAIL TEMPLE, TX 76502	
 COURT SEAL OF WARREN COUNTY	You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for plaintiff/petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.
2/15/2022	<i>Jim Beard</i>
Date	Clerk/clb

Further Information:

Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within 30 days after the date of issue.

I certify that I have served the above Summons by: (check one)

- ☐ delivering a copy of the summons and petition to the defendant/respondent.
- ☐ leaving a copy of the summons and petition at the dwelling house or usual place of abode of the defendant/respondent with _____, a person at least 18 years of age residing therein.
- ☐ (for service on a corporation) delivering a copy of the summons and petition to: _____ (name) _____ (title).
- ☐ other: _____

Served at _____ (address)

in _____ (County/City of St. Louis), MO, on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

Subscribed and sworn to before me on _____ (date).

(Seal)

My commission expires: _____

Date

Notary Public

Sheriff's Fees, if applicable

Summons \$ _____

Non Est \$ _____

Sheriff's Deputy Salary

Supplemental Surcharge \$ 10.00

Mileage \$ _____ (_____ miles @ \$._____ per mile)

Total \$ _____

A copy of the summons and petition must be served on **each** defendant/respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.



IN THE 12TH JUDICIAL CIRCUIT, WARREN COUNTY, MISSOURI

Judge or Division: JASON H LAMB	Case Number: 22BB-CC00011
Plaintiff/Petitioner: LISA HASTEN	Plaintiff's/Petitioner's Attorney/Address TODD RYAN NISSENHOLTZ SUITE 1800 7700 FORSYTH BOULEVARD SAINT LOUIS, MO 63105
Defendant/Respondent: JIMMY FANN	Court Address: 104 WEST MAIN ST. WARRENTON, MO 63383
Nature of Suit: CC Pers Injury-Vehicular	

3/8/22

(Date File Stamp)

Summons in Civil Case

The State of Missouri to: LARRY BENNIGHT, LLC
Alias:

RA: JACK JONES
2010 BIRD CREEK DR, SUITE 101
TEMPLE, TX 76502

COURT SEAL OF



WARREN COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for plaintiff/petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

2/15/2022

Date

Clerk/clb

Further Information:

Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within 30 days after the date of issue.

I certify that I have served the above Summons by: (check one)

- ☐ delivering a copy of the summons and petition to the defendant/respondent.
☐ leaving a copy of the summons and petition at the dwelling house or usual place of abode of the defendant/respondent with _____, a person at least 18 years of age residing therein.
☐ (for service on a corporation) delivering a copy of the summons and petition to: _____ (name) _____ (title).
☐ other: _____

Served at _____ (address)
 in _____ (County/City of St. Louis), MO, on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

Subscribed and sworn to before me on _____ (date).

(Seal)

My commission expires: _____

Date

Notary Public

Sheriff's Fees, if applicable

Summons \$ _____
 Non Est \$ _____
 Sheriff's Deputy Salary
 Supplemental Surcharge \$ 10.00
 Mileage \$ _____ (_____ miles @ \$ _____ per mile)
 Total \$ _____

A copy of the summons and petition must be served on each defendant/respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

IN THE CIRCUIT COURT OF WARREN COUNTY
STATE OF MISSOURI

LISA HASTEN,)	
)	
Plaintiff,)	
)	
vs.)	
)	
JIMMY FANN,)	
Serve: 2606 Alamo Trail)	
Temple, TX 76502)	Cause No:
)	
and)	Division:
)	
LARRY BENNIGHT, LLC,)	
Serve: Jack Jones, Registered Agent)	
2010 Bird Creek Drive, Ste. 101)	
Temple, TX 76502)	
)	
Defendants.)	

PETITION

COMES NOW Plaintiff Lisa Hasten, and for her cause of action against Defendants Jimmy Fann and Larry Bennight, LLC, states as follows:

ALLEGATIONS COMMON TO ALL COUNTS

1. Plaintiff Lisa Hasten ("Plaintiff") was at all times relevant an individual resident and citizen of the State of Missouri.
2. Defendant Jimmy Fann ("Defendant Fann") is and was at all times relevant an individual resident and citizen of the State of Texas.
3. Defendant Larry Bennight, LLC ("Defendant Bennight") is a corporation organized and existing under the laws of the State of Texas with its principal place of business located in the State of Texas, and with a registered agent located in the State of Texas for purposes of accepting service.

4. The Court has jurisdiction over this matter because Defendant Fann and Defendant Bennight committed the specific tort described below in the State of Missouri.

5. Venue is appropriate in this Court because this petition states a cause of action sounding in tort and Plaintiff was first injured in the Warren County, State of Missouri, as more fully described below.

6. On or about November 8, 2017, Plaintiff was operating her vehicle on I-70 in an easterly direction prior to its intersection with North Elm Street, both well-traveled roads located in Warren County, Missouri.

7. At said date and time, Defendant Bennight, by and through its agent, servant, employee, and driver, Defendant Fann, was operating its motor vehicle on I-70 in an easterly direction prior to its intersection with North Elm Street, both well-traveled roads located in Warren County, Missouri, directly beside Plaintiff's vehicle.

8. Upon information and belief, at said date and time and at all relevant times, Defendant Fann was employed by Defendant Bennight and was acting within the scope and course of his employment with Defendant Bennight.

9. At said date and time, Defendant Fann caused the front end of his vehicle to strike Plaintiff's vehicle on the rear driver's side, thus causing Plaintiff to sustain serious and permanent personal injuries more fully described below.

COUNT I
(NEGLIGENCE AGAINST DEFENDANT BENNIGHT)

10. Plaintiff incorporates the allegations stated in paragraphs 1 through 9 as if fully restated in this paragraph.

11. Defendant Bennight owed a duty to Plaintiff to operate its motor vehicle in conformity with all applicable traffic laws, rules, and regulations, and otherwise with the highest degree of care.

12. Defendant Bennight, by and through its employee and agent Defendant Fann, breached its duties and was careless and negligent in one or more of the following respects:

- a. Defendant Bennight negligently and carelessly drove and operated its motor vehicle at a rate of speed that was high, excessive, dangerous, and not reasonably safe under the circumstances then and there existing;
- b. Defendant Bennight negligently and carelessly failed to exercise the highest degree of care to keep a careful lookout to see and discover the motor vehicles around it, including Plaintiff's;
- c. Defendant Bennight negligently and carelessly drove its vehicle while distracted and inattentive, staring at a cell phone instead of the road;
- d. Defendant Bennight negligently and carelessly failed to stop, slacken speed, turn, or swerve its motor vehicle so that it could avoid the collision and injury to Plaintiff, although Defendant Bennight could have done so and thereby avoided the collision and injury to Plaintiff;
- e. Defendant Bennight negligently and carelessly failed to give or sound any warning of the approach, movement, turn, or proximity of its motor vehicle; and
- f. Defendant Bennight otherwise negligently and carelessly caused the front of its vehicle to collide with the rear of Plaintiff's vehicle.

13. As a direct and proximate result of the carelessness and negligence of Defendant Bennight, Defendant Bennight's vehicle caused Plaintiff's vehicle to jar, jerk, and jolt in such an unusual, unexpected, violent, and extraordinary manner that Plaintiff was thrown in and about her motor vehicle, resulting in physical injuries.

14. As a direct and proximate result of the negligence and carelessness of Defendant Bennight described above, Plaintiff has suffered the following damages:

- a. Physical injuries to her head including a traumatic brain injury and related post-traumatic brain injury/post-concussion symptoms such as confusion,

difficulty concentrating, amnesia, mental confusion, difficulty thinking and understanding, inability to create new memories, impulsivity, irritability, anxiety, apathy, anger, loneliness, dizziness, fainting, fatigue, muscular instability and stiffness, difficulty speaking, slurred speech, sensitivity to light and sound, persistent headaches, and depression; injuries to her left wrist/forearm; and injuries to her neck that required, require, and will in the future continue to require medical care and treatment;

- b. Past, present, and future pain and suffering arising from the physical injuries described above;
- c. Past, present, and future physical limitations arising from the physical injuries and the pain and suffering described above;
- d. Past, present, and future loss of enjoyment of life arising from the physical injuries, pain and suffering, and physical limitations described above; and
- e. Past, present, and future expenses for medicines, medical institutions, doctors, prescriptions, and other treatment and care arising from the physical injuries, pain and suffering, and physical limitations described above.

WHEREFORE Plaintiff Lisa Hasten prays for a judgment in her favor and against Defendant Larry Bennight, LLC in a fair and reasonable sum in excess of \$25,000.00, together with court costs and post-judgment interest at the statutory rate, and for such other and further relief as the Court deems just and proper based on the above-stated facts.

COUNT II
(NEGLIGENCE AGAINST DEFENDANT FANN)

15. Plaintiff incorporates the allegations stated in paragraphs 1 through 14 as if fully restated in this paragraph.

16. At the time of the collision described above, Defendant Fann owed a duty to Plaintiff to operate his motor vehicle in conformity with all applicable traffic laws, rules, and regulations, and otherwise with the highest degree of care.

17. Defendant Fann breached his duties and was careless and negligent in one or more of the following respects:

- a. Defendant Fann negligently and carelessly drove and operated his motor

vehicle at a rate of speed that was high, excessive, dangerous, and not reasonably safe under the circumstances then and there existing;

- b. Defendant Fann negligently and carelessly failed to exercise the highest degree of care to keep a careful lookout to see and discover the motor vehicles around him, including Plaintiff's;
- c. Defendant Fann negligently and carelessly drove his vehicle while distracted and inattentive, staring at a cell phone instead of the road;
- d. Defendant Fann negligently and carelessly failed to stop, slacken speed, turn, or swerve his motor vehicle so that he could avoid the collision and injury to Plaintiff, although Defendant Fann could have done so and thereby avoided the collision and injury to Plaintiff;
- e. Defendant Fann negligently and carelessly failed to give or sound any warning of the approach, movement, turn, or proximity of his motor vehicle; and/or
- f. Defendant Fann otherwise negligently and carelessly caused the front of his vehicle to collide with Plaintiff's vehicle.

18. As a direct and proximate result of the carelessness and negligence of Defendant Fann, Defendant Fann's vehicle caused Plaintiff's vehicle to jar, jerk, and jolt in such an unusual, unexpected, violent, and extraordinary manner that Plaintiff was thrown in and about her motor vehicle, resulting in physical injuries.

19. As a direct result and proximate result of the negligence and carelessness of Defendant Fann described above, Plaintiff suffering the following damages:

- a. Physical injuries to her head including a traumatic brain injury and related post- traumatic brain injury/post-concussion symptoms such as confusion, difficulty concentrating, amnesia, mental confusion, difficulty thinking and understanding, inability to create new memories, impulsivity, irritability, anxiety, apathy, anger, loneliness, dizziness, fainting, fatigue, muscular instability and stiffness, difficulty speaking, slurred speech, sensitivity to light and sound, persistent headaches, and depression; injuries to her left wrist/forearm; and injuries to her neck that required, require, and will in the future continue to require medical care and treatment;
- b. Past, present, and future pain and suffering arising from the physical injuries described above;
- c. Past, present, and future physical limitations arising from the physical

injuries and the pain and suffering described above;

- d. Past, present, and future loss of enjoyment of life arising from the physical injuries, pain and suffering, and physical limitations described above; and
- e. Past, present, and future expenses for medicines, medical institutions, doctors, prescriptions, and other treatment and care arising from the physical injuries, pain and suffering, and physical limitations described above.

WHEREFORE Plaintiff Lisa Hasten prays for a judgment in her favor and against Defendant Jimmy Fann in a fair and reasonable sum in excess of \$25,000.00, together with court costs and post-judgment interest at the statutory rate, and for such other and further relief as the Court deems just and proper based on the above-stated facts.

COFMAN TOWNSLEY, LLP

By: /s/ Todd R. Nissenholtz
Todd R. Nissenholtz #55049
200 S. Hanley Road, Suite 1070
St. Louis, Missouri 63105
314.621.2005
314.621.3118 (facsimile)
tn@cofmantownsley.com

Attorneys for Plaintiff

IN THE CIRCUIT COURT OF WARREN COUNTY
STATE OF MISSOURI

STATE OF MISSOURI
In Circuit Court
FILED

2/15/2022

Tim Beard
Circuit Clerk
Warren County

LISA HASTEN,)
)
Plaintiff,)
)
vs.) Cause No:
)
)
JIMMY FANN and LARRY BENNIGHT,) Division:
LLC,)
)
Defendants.)

REQUEST TO ISSUE SUMMONS AND
APPOINTMENT OF SPECIAL PROCESS SERVER

COMES NOW Plaintiff and respectfully requests that the Clerk of Court issue a summons directed to Defendant Jimmy Fann at 2606 Alamo Trail, Temple, TX 76502, and to Defendant Larry Bennight, LLC via its registered agent, Jack Jones, at 2010 Bird Creek Drive, Ste. 101, Temple, TX 76502.

Plaintiff further requests the appointment of Joshua Jameson at Compass Process Servers, PO Box 11042, Killeen, TX 76547 (888-619-7499) to serve as special process server in the above-styled matter, for purpose of serving the summons and petition on Defendant Jimmy Fann at 2606 Alamo Trail, Temple, TX 76502, and on Defendant Larry Bennight, LLC via its registered agent, Jack Jones, at 2010 Bird Creek Drive, Ste. 101, Temple, TX 76502.

COFMAN TOWNSLEY, LLP

Order Special Process:


Circuit Clerk/clb

COURT SEAL OF



BY: /s/ Todd R. Nissenholtz
Todd R. Nissenholtz #55049
200 S. Hanley Road, Suite 1070
St. Louis, Missouri 63105
314.621.2005
314.621.3118 (facsimile)
tn@cofmantownsley.com

Attorneys for Plaintiff

IN THE CIRCUIT COURT OF WARREN COUNTY
STATE OF MISSOURI

STATE OF MISSOURI
In Circuit Court
FILED

2/15/2022

Tim Beard
Circuit Clerk
Warren County

LISA HASTEN,

Plaintiff,

VS.

Cause No:

JIMMY FANN and LARRY BENNIGHT,
LLC,

Division:

Defendants.

REQUEST TO ISSUE SUMMONS AND
APPOINTMENT OF SPECIAL PROCESS SERVER

COMES NOW Plaintiff and respectfully requests that the Clerk of Court issue a summons directed to Defendant Jimmy Fann at 2606 Alamo Trail, Temple, TX 76502, and to Defendant Larry Bennight, LLC via its registered agent, Jack Jones, at 2010 Bird Creek Drive, Ste. 101, Temple, TX 76502.

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COFMAN TOWNSLEY, LLP

Order Special Process:

COURT SEAL OF

Tim Beard
Circuit Clerk/clb



BY: /s/ Todd R. Nissenholtz
Todd R. Nissenholtz #55049
200 S. Hanley Road, Suite 1070
St. Louis, Missouri 63105
314.621.2005
314.621.3118 (facsimile)
tn@cofmantownsley.com

Attorneys for Plaintiff

IN THE CIRCUIT COURT OF WARREN COUNTY
STATE OF MISSOURI

LISA HASTEN,)	
)	
Plaintiff,)	
)	
vs.)	
)	
JIMMY FANN,)	
Serve: 2606 Alamo Trail)	
Temple, TX 76502)	Cause No:
)	
and)	Division:
)	
LARRY BENNIGHT, LLC,)	
Serve: Jack Jones, Registered Agent)	
2010 Bird Creek Drive, Ste. 101)	
Temple, TX 76502)	
)	
Defendants.)	

PETITION

COMES NOW Plaintiff Lisa Hasten, and for her cause of action against Defendants Jimmy Fann and Larry Bennight, LLC, states as follows:

ALLEGATIONS COMMON TO ALL COUNTS

1. Plaintiff Lisa Hasten ("Plaintiff") was at all times relevant an individual resident and citizen of the State of Missouri.
2. Defendant Jimmy Fann ("Defendant Fann") is and was at all times relevant an individual resident and citizen of the State of Texas.
3. Defendant Larry Bennight, LLC ("Defendant Bennight") is a corporation organized and existing under the laws of the State of Texas with its principal place of business located in the State of Texas, and with a registered agent located in the State of Texas for purposes of accepting service.

4. The Court has jurisdiction over this matter because Defendant Fann and Defendant Bennight committed the specific tort described below in the State of Missouri.

5. Venue is appropriate in this Court because this petition states a cause of action sounding in tort and Plaintiff was first injured in the Warren County, State of Missouri, as more fully described below.

6. On or about November 8, 2017, Plaintiff was operating her vehicle on I-70 in an easterly direction prior to its intersection with North Elm Street, both well-traveled roads located in Warren County, Missouri.

7. At said date and time, Defendant Bennight, by and through its agent, servant, employee, and driver, Defendant Fann, was operating its motor vehicle on I-70 in an easterly direction prior to its intersection with North Elm Street, both well-traveled roads located in Warren County, Missouri, directly beside Plaintiff's vehicle.

8. Upon information and belief, at said date and time and at all relevant times, Defendant Fann was employed by Defendant Bennight and was acting within the scope and course of his employment with Defendant Bennight.

9. At said date and time, Defendant Fann caused the front end of his vehicle to strike Plaintiff's vehicle on the rear driver's side, thus causing Plaintiff to sustain serious and permanent personal injuries more fully described below.

COUNT I
(NEGLIGENCE AGAINST DEFENDANT BENNIGHT)

10. Plaintiff incorporates the allegations stated in paragraphs 1 through 9 as if fully restated in this paragraph.

11. Defendant Bennight owed a duty to Plaintiff to operate its motor vehicle in conformity with all applicable traffic laws, rules, and regulations, and otherwise with the highest degree of care.

12. Defendant Bennight, by and through its employee and agent Defendant Fann, breached its duties and was careless and negligent in one or more of the following respects:

- a. Defendant Bennight negligently and carelessly drove and operated its motor vehicle at a rate of speed that was high, excessive, dangerous, and not reasonably safe under the circumstances then and there existing;
- b. Defendant Bennight negligently and carelessly failed to exercise the highest degree of care to keep a careful lookout to see and discover the motor vehicles around it, including Plaintiff's;
- c. Defendant Bennight negligently and carelessly drove its vehicle while distracted and inattentive, staring at a cell phone instead of the road;
- d. Defendant Bennight negligently and carelessly failed to stop, slacken speed, turn, or swerve its motor vehicle so that it could avoid the collision and injury to Plaintiff, although Defendant Bennight could have done so and thereby avoided the collision and injury to Plaintiff;
- e. Defendant Bennight negligently and carelessly failed to give or sound any warning of the approach, movement, turn, or proximity of its motor vehicle; and
- f. Defendant Bennight otherwise negligently and carelessly caused the front of its vehicle to collide with the rear of Plaintiff's vehicle.

13. As a direct and proximate result of the carelessness and negligence of Defendant Bennight, Defendant Bennight's vehicle caused Plaintiff's vehicle to jar, jerk, and jolt in such an unusual, unexpected, violent, and extraordinary manner that Plaintiff was thrown in and about her motor vehicle, resulting in physical injuries.

14. As a direct and proximate result of the negligence and carelessness of Defendant Bennight described above, Plaintiff has suffered the following damages:

- a. Physical injuries to her head including a traumatic brain injury and related post- traumatic brain injury/post-concussion symptoms such as confusion,

difficulty concentrating, amnesia, mental confusion, difficulty thinking and understanding, inability to create new memories, impulsivity, irritability, anxiety, apathy, anger, loneliness, dizziness, fainting, fatigue, muscular instability and stiffness, difficulty speaking, slurred speech, sensitivity to light and sound, persistent headaches, and depression; injuries to her left wrist/forearm; and injuries to her neck that required, require, and will in the future continue to require medical care and treatment;

- b. Past, present, and future pain and suffering arising from the physical injuries described above;
- c. Past, present, and future physical limitations arising from the physical injuries and the pain and suffering described above;
- d. Past, present, and future loss of enjoyment of life arising from the physical injuries, pain and suffering, and physical limitations described above; and
- e. Past, present, and future expenses for medicines, medical institutions, doctors, prescriptions, and other treatment and care arising from the physical injuries, pain and suffering, and physical limitations described above.

WHEREFORE Plaintiff Lisa Hasten prays for a judgment in her favor and against Defendant Larry Bennight, LLC in a fair and reasonable sum in excess of \$25,000.00, together with court costs and post-judgment interest at the statutory rate, and for such other and further relief as the Court deems just and proper based on the above-stated facts.

COUNT II
(NEGLIGENCE AGAINST DEFENDANT FANN)

15. Plaintiff incorporates the allegations stated in paragraphs 1 through 14 as if fully restated in this paragraph.

16. At the time of the collision described above, Defendant Fann owed a duty to Plaintiff to operate his motor vehicle in conformity with all applicable traffic laws, rules, and regulations, and otherwise with the highest degree of care.

17. Defendant Fann breached his duties and was careless and negligent in one or more of the following respects:

- a. Defendant Fann negligently and carelessly drove and operated his motor

vehicle at a rate of speed that was high, excessive, dangerous, and not reasonably safe under the circumstances then and there existing;

- b. Defendant Fann negligently and carelessly failed to exercise the highest degree of care to keep a careful lookout to see and discover the motor vehicles around him, including Plaintiff's;
- c. Defendant Fann negligently and carelessly drove his vehicle while distracted and inattentive, staring at a cell phone instead of the road;
- d. Defendant Fann negligently and carelessly failed to stop, slacken speed, turn, or swerve his motor vehicle so that he could avoid the collision and injury to Plaintiff, although Defendant Fann could have done so and thereby avoided the collision and injury to Plaintiff;
- e. Defendant Fann negligently and carelessly failed to give or sound any warning of the approach, movement, turn, or proximity of his motor vehicle; and/or
- f. Defendant Fann otherwise negligently and carelessly caused the front of his vehicle to collide with Plaintiff's vehicle.

18. As a direct and proximate result of the carelessness and negligence of Defendant Fann, Defendant Fann's vehicle caused Plaintiff's vehicle to jar, jerk, and jolt in such an unusual, unexpected, violent, and extraordinary manner that Plaintiff was thrown in and about her motor vehicle, resulting in physical injuries.

19. As a direct result and proximate result of the negligence and carelessness of Defendant Fann described above, Plaintiff suffering the following damages:

- a. Physical injuries to her head including a traumatic brain injury and related post- traumatic brain injury/post-concussion symptoms such as confusion, difficulty concentrating, amnesia, mental confusion, difficulty thinking and understanding, inability to create new memories, impulsivity, irritability, anxiety, apathy, anger, loneliness, dizziness, fainting, fatigue, muscular instability and stiffness, difficulty speaking, slurred speech, sensitivity to light and sound, persistent headaches, and depression; injuries to her left wrist/forearm; and injuries to her neck that required, require, and will in the future continue to require medical care and treatment;
- b. Past, present, and future pain and suffering arising from the physical injuries described above;
- c. Past, present, and future physical limitations arising from the physical

injuries and the pain and suffering described above;

- d. Past, present, and future loss of enjoyment of life arising from the physical injuries, pain and suffering, and physical limitations described above; and
- e. Past, present, and future expenses for medicines, medical institutions, doctors, prescriptions, and other treatment and care arising from the physical injuries, pain and suffering, and physical limitations described above.

WHEREFORE Plaintiff Lisa Hasten prays for a judgment in her favor and against Defendant Jimmy Fann in a fair and reasonable sum in excess of \$25,000.00, together with court costs and post-judgment interest at the statutory rate, and for such other and further relief as the Court deems just and proper based on the above-stated facts.

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